

DATE: 3/10/2014 CASE NUMBER: CR 13-01208-RCC(BPV)

USA vs. Salvador Sandoval-Lopez et al

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ RELEASED (Salvador Sandoval-Lopez and Maria de la Luz Sandoval-Lopez)
☒ CUSTODY (Jose Casillas-Sanchez)

U.S. MAGISTRATE JUDGE: BERNARDO P. VELASCO Judge #: 70BJ

U.S. Attorney Ryan DeJoe/ Arturo Aguilar INTERPRETER REQ'D Ignacio Barrientos/ Juan Radillo

Atty for Defendant Salvador Sandoval-Lopez Matt McGuire ☒ Appt ☐ Ret ☐ FPD ☐ Spec Appr

Atty for Defendant Maria de la Luz-Sandoval-Lopez Saul Huerta ☒ Appt ☐ Ret ☐ FPD ☐ Spec Appr

Atty for Defendant Jose Casillas-Sanchez Jay Marble ☐ Appt ☐ Ret ☒ FPD ☐ Spec Appr

Motions Hearing: Government opens with argument on Motion for Disclosure [101]. Defense counsel McGuire responds.

Counsel Huerta and Marble join in Motions for disclosure. Court grants Motion for Disclosure [101] and [131].

Defense Counsel McGuire presents Motion to Sever Counts [105] and Motion for Severance of Defendants [106]. Courts conducts dialogue with all counsel as to the allegations and how they vary.

Government informs a response has not been made as to motions filed by Marble [141] and Mr. Huerta's client [126], asking to reserve arguments as to each motion, upon response being filed. Counsel Marble presents his clients position in case.

Mr. Huerta responds to Courts inquiry of hostage taking counts. Dialogue held.

Court denies Motion to Sever Counts [105]. Motions for Severance Statements/ Exclusive Defenses [141] and [126] are deferred pending response from Government. Motion [106] filed by Sandoval-Lopez is also deferred.

Government addresses Motion [102] regarding preclusion of expert testimony, and reserves right under rule 16.

Court finds defense is asking for pretrial notice of non-fact witness; so ordered, Motion [102] is granted. Counsel requests a brief summary of intended testimony; Court grants request. Court excuses Mr. Huerta and Mr. Marble along with their clients following proceedings.

Government proceeds with defendant's Motion to Suppress, [103]; Government witness Violeta Pedrego, Special Agent, Homeland Security is sworn, examined by AUSA Aguilar and cross examined by Defense Counsel McGuire. Government admits Exhibits 6 & 7, so ordered, without objection.

Defense Counsel McGuire calls, Intelligence Research Specialist, Carlos Guido Jr. to testify. Witness is sworn, examined and cross examined. Defense then calls to testify, his client, Salvador Sandoval-Lopez. Defendant is sworn, examined and cross examined.

Following testimony, Court questions defendant regarding Government exhibit 6. (Recess 10:33 AM-10:49 AM)

Court reconvenes, Defense defers to Government witness for foundational testimony; Government calls Special Agent Steven Strijdonk to testify. Witness is sworn, examined and cross examined, for testimony as to Motion [103].

Government recalls witness, Carlos Guido, witness testifies.

Government moves to admit exhibits 1-5, no objection made, Court admits exhibits. (See separate Exhibit List)

Witness is cross examined.

Parties present closing arguments.

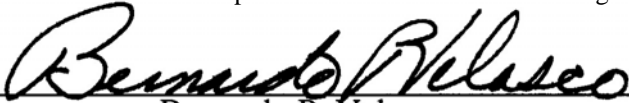
Court finds that; Defendants Motion to Suppress [103] should be denied, finding the Court rejects defendant's claim as self serving that he would have invoked his rights "had he known".

Finding agents were involved in a matter of urgency , given circumstance presented in this case.

Subsequent to the hearing, the Court was advised that Chief District Judge Collins will rule on the Motions to Sever. Therefore, IT IS ORDERED that this Court's ruling on the Motions to Sever is vacated.

It is the recommendation of this Court that the District Judge, after his independent review and consideration, enter an Order **DENYING** Defendant's Motion to Suppress Statements [Doc. 103] and Defendant's Motion to Suppress, Lack of Voluntariness [Doc. 104].

Pursuant to 28 U.S.C. §636(b)(1)(B), the parties have fourteen (14) days from the date of this Report and Recommendation to file written objections to these findings and recommendations with the District Court. Any objections filed should be filed as CR 13-01208-TUC-RCC. No Replies shall be filed unless leave is granted from the District Court.



Bernardo P. Velasco
United States Magistrate Judge

Recorded by Courtsmart
BY: Allison Siqueros
Deputy Clerk/ECRO

Motion Hrg. 2 hr. 12 min.

Start time: 9:07 AM
Stop time: 10:33 AM

Start time: 10:49 AM
Stop time: 11:45 AM